

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAAD TAJALDEEN,

Plaintiff,

CIVIL CASE NO. 06-11764

v.

DAVID J. NORWOOD, and CITY OF
DEARBORN,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendants.

/

**ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION FOR SUMMARY
JUDGMENT**

Before the Court is Defendants' motion for summary judgment, filed on May 30, 2007. The proof of service for Defendants' motion indicates that it was served on Plaintiff on the same day. Plaintiff has not filed a response opposing the motion. Local Rule 7.1(b) for the Eastern District of Michigan requires that a "respondent opposing a motion **must** file a response, including a brief and supporting documents then available." E.D. Mich. Local R. 7.1(b) (emphasis added). Local Rule 7.1(d)(1)(B) requires that responses to dispositive motions are due within twenty-one (21) days of service of the motion. E.D. Mich. Local R. 7.1(d)(1)(B). Accordingly, the response to this motion was due on approximately June 25, 2007. *See* Fed. R. Civ. P. 6(e). Since no response has been filed, the motion is unopposed.

The Court, having reviewed the filings in this case and the applicable law, determines that Defendants' motion should be granted for the reasons stated in Defendants' brief. When considering the facts in the light most favorable to Plaintiff, Plaintiff's claims fail as a matter of law. Plaintiff's

action for an order of mandamus is meritless because Plaintiff failed to pursue available administrative remedies and was in non-compliance with the requirements for a permit application. Plaintiff's unconstitutional taking claim fails because the denial of his permit application is not a taking under the Fifth Amendment. *See Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 537-39 (2005). Finally, and most importantly, Plaintiff's claims are now moot because his permit application has been approved.

ACCORDINGLY, IT IS HEREBY ORDERED that Defendants' motion for summary judgment [docket entry #15] is **GRANTED** and Case No. 06-11764 is **DISMISSED**.

SO ORDERED.

Dated: July 17, 2007

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on July 17, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Kim D. Corbin; William H. Irving, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
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